

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

5055 BROADWAY L.P.,

Plaintiff,

-against-

HUGO ESTABAN RODRIGUES, ALL PARKING
CORP., ALL PARK NY INC., "XYZ CORP. NO. 2-
5," "JOHN DOE," and "JANE DOE,"

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/10/2021

Civil Case No. 1:21-cv-00488
(AT) (SDA)

**CONSENT JUDGMENT OF
EJECTMENT AND
WRIT OF ASSISTANCE**

The above-captioned case having been settled by a Stipulation of Settlement, dated February 28, 2021 (the "Stipulation"), whereby the above-named defendants ("Defendants") consented to the immediate entry of a Consent Judgment of Ejectment and Writ of Assistance for the open-air parking lot located at 5051-5055 Broadway, New York, New York (the "Property"), granting legal possession of the Property to plaintiff 5055 Broadway, L.P. (the "Owner"), and further providing the United States Marshal to remove Defendants and any other persons or entities in occupancy of the Property from the Property no later than March 31, 2021:

NOW, on motion of Rosenberg & Estis, P.C., attorneys for Owner, and Michael A. Delakas, Esq., attorney for Defendants, it is hereby:

ADJUDGED, that Owner is hereby entitled to recover immediate possession of the Property from Defendants; and it is further

ADJUDGED, that Owner is authorized under the supervision and with the assistance of
, as lawfully required,
the United States Marshal to take all necessary steps to take possession of the Property, including

breaking open and entering the Property and evicting all persons located at the Property; and it is further

ADJUDGED, that anyone interfering with the execution of this Judgment is subject to arrest by the United States Marshal and/or his or her representative; and it is further

ADJUDGED, that Owner, on whose behalf the Court issues this Judgment, will account completely for all property seized pursuant to this order and shall compile a written inventory of all such property and shall provide a copy to the United States Marshal, who shall include such a copy with his return to the Court; and it is further

ADJUDGED, that Owner, on whose behalf the court issues this Judgment, will act as substitute custodian of any and all property seized pursuant to this order and shall hold harmless the U.S. Marshals Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of the defendant property, including any third-party claims.

ADJUDGED, that the Clerk of the Court shall enter this Judgment and Writ of Assistance without further notice.

SO ORDERED THIS 10th **DAY OF** March **2021:**



Stewart D. Aaron, USMJ